

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
STIPULATED ELECTION AGREEMENT

STARBUCKS CORPORATION

Case 09-RC-297936

The parties **AGREE AS FOLLOWS:**

1. PROCEDURAL MATTERS. The parties waive their right to a hearing and agree that any notice of hearing previously issued in this matter is withdrawn, that the petition is amended to conform to this Agreement, and that the record of this case shall include this Agreement and be governed by the Board's Rules and Regulations.

2. COMMERCE. The Employer is engaged in commerce within the meaning of Section 2(6) and (7) of the National Labor Relations Act and a question affecting commerce has arisen concerning the representation of employees within the meaning of Section 9(c).

The Employer, Starbucks Corporation, a Washington corporation, with headquarters located in Seattle, Washington and facilities located throughout the United States, including a facility located at 3401 Bardstown Road, Louisville, Kentucky 40218 (Store #09982), the sole facility involved herein, is engaged in the retail sales of food and beverage. During the past 12 months, a representative period of time, the Employer derived gross revenues in excess of \$500,000 from all sales and services and purchased and received at its 3401 Bardstown Road, Louisville, Kentucky location goods valued in excess of \$5,000 directly from points located outside the Commonwealth of Kentucky.

3. LABOR ORGANIZATION. The Petitioner is an organization in which employees participate, and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work and is a labor organization within the meaning of Section 2(5) of the Act.

4. ELECTION. The election will be conducted by United States mail. The mail ballots will be mailed to employees employed in the appropriate collective-bargaining unit by the National Labor Relations Board, Region 9, on **Thursday, July 21, 2022 at 4:30 pm**. Voters must return their mail ballots so that they will be received in the National Labor Relations Board, Region 9 office by close of business on **Thursday, August 18, 2022**. The mail ballots will be counted at the Region 9 office located at 550 MAIN STREET, ROOM 3-111, CINCINNATI, OH 45202-3271 at **1:00 pm on Friday, August 19, 2022**, in person or by videoconference to be determined by the Regional Director in consultation with the parties.

Voters must sign the outside of the envelope in which the ballot is returned. Any ballot received in an envelope that is not signed will be void.

If any eligible voter does not receive a mail ballot or otherwise requires a duplicate mail ballot kit, he or she should contact the Region 9 office by no later than **4:30 pm on Monday, August 1, 2022** in order to arrange for another mail ballot kit to be sent to that employee.

The Regional Director may, in his discretion postpone any aspect of the election and count for safety reasons due to the Corona virus pandemic. If the election and/or count is postponed or canceled, the Regional Director, in his discretion, may reschedule the date, time and place of the election and/or count.

5. UNIT AND ELIGIBLE VOTERS. The following unit is appropriate for the purposes of collective bargaining within the meaning of Section 9(b) of the Act:

All full-time and regular part-time baristas and shift supervisors employed by the Employer at its store located at 3401 Bardstown Road, Louisville, Kentucky (Store #09982); but excluding all store managers, office clerical employees, professional employees, guards and supervisors as defined in the Act.

Those eligible to vote in the election are employees in the above unit who were employed during the **payroll period ending July 1, 2022**, including employees who did not work during that period because they were ill, on vacation, or were temporarily laid off. In a mail ballot election, employees are eligible to vote if they are in the above unit on both the payroll period ending date and on the date they mail in their ballots to the Board's designated office.

Employees engaged in any economic strike, who have retained their status as strikers and who have not been permanently replaced are also eligible to vote. In addition, employees engaged in an economic strike which commenced less than 12 months before the election date, who have retained their status as strikers but who have been permanently replaced, as well as their replacements are eligible to vote. Employees who are otherwise eligible but who are in the military services of the United States may vote by mail as described above in paragraph 4.

Ineligible to vote are (1) employees who have quit or been discharged for cause after the designated payroll period for eligibility, and, in a mail ballot election, before they mail in their ballots to the Board's designated office, (2) employees engaged in a strike who have been discharged for cause since the commencement thereof and who have not been rehired or reinstated before the election date, and (3) employees engaged in an economic strike which began more than 12 months before the election date who have been permanently replaced.

6. VOTER LIST. Within 2 business days after the Regional Director has approved this Agreement, the Employer must provide to the Regional Director and all of the other parties a voter list of the full names, work locations, shifts, job classifications, and contact information (including home addresses, available personal email addresses, and available personal home and cellular telephone numbers) of all eligible voters. The Employer must also include, in a separate section of that list, the same information for those individuals whom the parties have agreed should be permitted to vote subject to challenge. The list must be filed in common, everyday electronic file formats that can be searched. Unless otherwise agreed to by the parties, the list must be provided in a table in a Microsoft Word file (.doc or docx) or a file that is compatible with Microsoft Word (.doc or docx). The first column of the list must begin with each employee's last name and the list must be alphabetized (overall or by department) by last name. The font size of the list must be the equivalent of Times New Roman 10 or larger. That font does not need to be used but the font must be that size or larger. When feasible, the list must be filed electronically with the Regional Director and served electronically on the parties. The Employer must file with the Regional Director a certificate of service of the list on all parties.

7. THE BALLOT. The Regional Director, in his or her discretion, will decide the language(s) to be used on the election ballot. All parties should notify the Region as soon as possible of the need to have the Notice of Election and/or ballots translated.

The question on the ballot will be "Do you wish to be represented for purposes of collective bargaining by Chicago & Midwest Regional Joint Board, an Affiliate of Workers United SEIU?" The choices on the ballot will be "Yes" or "No".

8. NOTICE OF ELECTION. The Regional Director, in his or her discretion, will decide the language(s) to be used on the Notice of Election. The Employer must post copies of the Notice of Election in conspicuous places, including all places where notices to employees in the unit are customarily posted, at least three (3) full working days prior to 12:01 a.m. of the day the ballots are mailed to employees. The Employer must also distribute the Notice of Election electronically, if the Employer customarily communicates with employees in the unit electronically. Failure to post or distribute the Notice of Election as required shall be grounds for setting aside the election whenever proper and timely objections are filed.

9. ACCOMMODATIONS REQUIRED. All parties should notify the Region as soon as possible of any voters, potential voters, or other participants in this election who have handicaps falling within the provisions of Section 504 of the Rehabilitation Act of 1973, as amended, and 29 C.F.R. 100.503, and who in order to participate in the election need appropriate auxiliary aids, as defined in 29 C.F.R. 100.503, and request the necessary assistance.

10. OBSERVERS. Each party may designate an observer or observers to participate in the count, including challenging the eligibility of voters.

11. TALLY OF BALLOTS. Upon conclusion of the election, the ballots will be counted and a tally of ballots prepared and immediately made available to the parties.

12. POSTELECTION AND RUNOFF PROCEDURES. All procedures after the ballots are counted shall conform with the Board's Rules and Regulations.

13. The details set forth in this Stipulated Election Agreement do not create precedent, are only applicable to this case and therefore neither Starbucks Corporation nor Chicago & Midwest Regional Joint Board, an Affiliate of Workers United SEIU, (or any other affiliates) will attempt to reference or use this Stipulated Election Agreement in any proceeding other than in Case 9-RC-297936, and no party waives any rights to litigate issues in any other proceeding.

Starbucks Corporation		Chicago & Midwest Regional Joint Board, an Affiliate of Workers United SEIU	
<hr/>		<hr/>	
(Employer)		(Petitioner)	
By:	<u>/s/ Laura Spector</u>	By:	<u>/s/ Robert S. Cervone</u> <u>7/8/22</u>
	(Signature) (Date)		(Signature) (Date)
Print		Print	
Name:	<u>Laura Spector</u>	Name:	<u>Robert S. Cervone</u>
	Laura Spector, Attorney		Robert Cervone, Attorney
Recommended:	<u>/s/ Michael E. Riggall</u>	<u>7.11.22</u>	
	Michael E. Riggall, Field Examiner (Date)		
Date approved:	<u>July 11, 2022</u>		
<u>/s/ Matthew T. Denholm</u>			
Matthew T. Denholm, Regional Director, Region 09			
National Labor Relations Board			

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 9**

STARBUCKS CORPORATION

Employer

and

Case 9-RC-297936

**CHICAGO & MIDWEST REGIONAL JOINT
BOARD, AN AFFILIATE OF WORKERS UNITED
SEIU**

Petitioner

**ORDER DIRECTING HEARING
AND
NOTICE OF HEARING ON CHALLENGED BALLOTS**

Based on a petition filed on June 21, 2022, and pursuant to a Stipulated Election Agreement, an election was conducted by mail from July 21, 2022 through August 19, 2022 to determine whether a unit of employees of Starbucks Corporation (the Employer) wish to be represented for purposes of collective bargaining by Chicago & Midwest Regional Joint Board, an affiliate of Workers United SEIU (the Petitioner). That voting unit consists of:

All full-time and regular part-time baristas and shift supervisors employed by the Employer at its store located at 3401 Bardstown Road, Louisville, Kentucky (Store #09982); but excluding all store managers, office clerical employees, professional employees, guards and supervisors as defined in the Act.

The Tally of Ballots prepared at the conclusion of the election shows that of the approximately **32** eligible voters, **10** votes were cast for the Petitioner and **7** votes were cast against the Petitioner, with **3** challenged ballots, a number that is sufficient to affect the results of the election.

THE CHALLENGED BALLOTS

The names of the challenged voters, the stated reason for each challenge, and the party or person who made the challenge are as follows:

Name of Challenged Voter	Reason for Challenge	Challenged By
(b) (6), (b) (7)(C)	Not on the voter list	Board Agent
(b) (6), (b) (7)(C)	Not on the voter list	Board Agent
(b) (6), (b) (7)(C)	No longer employed	Petitioner/Union

With respect to (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) the Petitioner contends that they were not employed by the Employer as of the payroll period eligibility date of July 1, 2022 and, therefore, neither (b) (6), (b) (7)(C) or (b) (6), (b) (7)(C) are eligible to vote in the election and their ballots should not be opened or counted. With respect to (b) (6), (b) (7)(C) the Petitioner states it has recently learned and believes that (b) (6), (b) (7)(C) is still employed by the Employer but is (b) (6), (b) (7)(C) and that based upon this new information, the Petitioner is willing to withdraw its challenge to (b) (6), (b) (7)(C)

The Employer did not provide any written position with respect to the three challenged ballots.

In view of the conflicting evidence and positions of the parties in regard to the eligibility of (b) (6), (b) (7)(C) to vote in the election, I conclude that the challenges to the ballots of (b) (6), (b) (7)(C) raise substantial and material issues of fact and law which are best resolved by the conduct of a formal hearing.

CONCLUSION AND ORDER

I have concluded that the challenged ballots of (b) (6), (b) (7)(C) raise substantial and material issues of fact that can best be resolved by a hearing. Accordingly, in accordance with Section 102.69(c)(1)(ii) of the Board's Rules and Regulations, **IT IS HEREBY ORDERED** that a hearing shall be held before a Hearing Officer designated by me, for the purpose of receiving evidence to resolve the issues raised by the three challenged ballots. At the hearing, the parties will have the right to appear in person to give testimony, and to examine and cross-examine witnesses.

Upon the conclusion of the hearing, the Hearing Officer shall submit to me and serve on the parties a report containing resolutions of the credibility of witnesses, findings of fact, and recommendations as to the disposition of the challenged ballots.

NOTICE OF HEARING

Starting at **10 am on September 27, 2022** by videoconference on the Zoom platform, the hearing on challenged ballots, as described above, will be conducted before a hearing officer of the National Labor Relations Board. The hearing will continue on consecutive days thereafter until completed, unless I determine that extraordinary circumstances warrant otherwise.

Dated: September 13, 2022



Matthew T. Denholm, Regional Director
Region 9, National Labor Relations Board
Room 3-111 John Weld Peck Federal Building
550 Main Street
Cincinnati, OH 45202-3271

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD

STARBUCKS CORPORATION

Employer

and

CHICAGO & MIDWEST REGIONAL JOINT BOARD,
AN AFFILIATE OF WORKERS UNITED SEIU

Petitioner

Case No. 9-RC-297936

Date Filed JUNE 21, 2022

Date Issued FRIDAY, AUGUST 19, 2022

City CINCINNATI

State OHIO

(If applicable check
either or both:)

Type of Election:
(Check one:)

- ☒ Stipulation
☐ Board Direction
☐ Consent Agreement
☐ RD Direction Incumbent Union (Code)

- ☐ 8(b) (7)
☒ Mail Ballot

TALLY OF BALLOTS

The undersigned agent of the Regional Director certifies that the results of tabulation of ballots case in the election held in the above case, and concluded on the date indicated above, were as follows:

1. Approximate number of eligible voters _____
2. Number of Void ballots _____
3. Number of Votes cast for _____ PETITIONER _____
4. Number of Votes cast for _____
5. Number of Votes cast for _____
6. Number of Votes cast against participating labor organization(X) _____
7. Number of Valid votes counted (sum 3, 4, 5, and 6) _____
8. Number of challenged ballots _____
9. Number of Valid votes counted plus challenged ballots (sum of 7 and 8) _____
10. Challenges are ~~()~~ sufficient in number to affect the results of the election.

32
2

10
7
17
3
20

11. ~~A majority of the valid votes counted plus challenged ballots (Item 9) has (not) been cast for CHICAGO & MIDWEST REGIONAL JOINT BOARD AN AFFILIATE OF WORKERS UNITED SEIU~~

For the Regional Director

[Signature]

The undersigned acted as authorized observers in the counting and tabulating of ballots indicated above. We hereby certify that the counting and tabulating were fairly and accurately done, that the secrecy of the ballots was maintained, and that the results were as indicated above. We also acknowledge service of this tally.

For EMPLOYER Laura Spector participated by video conference

For PETITIONER (b) (6), (b) (7)(C) participated by video conference

For _____

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD – REGION 9

STARBUCKS CORPORATION

Employer

and

CHICAGO & MIDWEST REGIONAL JOINT BOARD, AN
AFFILIATE OF WORKERS UNITED SEIU

Petitioner

Case No. 9-RC-297936

Date Issued SEPTEMBER 26, 2022

Type of Election (CHECK one:) (Also check box below
where appropriate)
☐ 8(b)(7)

☐ Consent Agreement

☒ Stipulation

☐ Board Direction

☐ RD Direction

REVISED TALLY OF BALLOTS

(Counting of Challenged Ballots)

The undersigned agent of the Regional Director certifies that the results of the challenged ballots as stipulated to by the parties in the Regional Director's Stipulation approved on September 23, 2022 and the addition of these ballots to the original Tally of Ballots, executed on August 19, 2022 were as follows:

	Original Tally	Challenged Ballots Counted	Final Tally
Approximate number of eligible voters.....	<u>32</u>		
Number of Void ballots.....	<u>2</u>	<u>0</u>	<u>2</u>
Number of Votes cast for..... PETITIONER	<u>10</u>	<u>0</u>	<u>10</u>
Number of Votes cast for.....			
Number of Votes cast for.....			
Number of Votes cast against participating labor organization(s)...	<u>7</u>	<u>0</u>	<u>7</u>
Number of Valid votes counted.....	<u>17</u>		<u>17</u>
Number of Undetermined challenged ballots.....	<u>3</u>		<u>1</u>
Number of Valid votes counted plus challenged ballots.....	<u>20</u>		<u>18</u>
Number of Sustained challenges (voters ineligible).....			<u>2</u>

The remaining undetermined challenged ballots, if any, shown in the Final Tally column are **(not)** sufficient to affect the results of the election. A majority of the valid votes plus challenged ballots as shown in the Final Tally column **has (not)** been cast for _____
Chicago & Midwest Regional Joint Board, An Affiiate of Workers Unite SEIU

For the Regional Director /s/ Matthew T. Denholm

The undersigned acted as authorized observers in the counting and tabulating of ballots indicated above. We hereby certify that this counting and tabulating, and the compilation of the Final Tally, were fairly and accurately done, and that the results were as indicated above. We also acknowledge service of this tally.

For Employer – Not Present

For Petitioner – Not Present

For _____

For _____